THE HON'BLE MRS JUSTICE T.MEENA KUMARI

&

THE HON'BLE MR JUSTICE P.LAKSHMANA REDDY

WRIT PETITION NO :12363 of 2005

Dated: 02.09.2005

Between:

1. S. Nageswara Rao, S/o Purushotham and six others.

… Petitioners

And

1. The Government of A.P., rep., by its

Secretary, I & CAD department, Secretariat,

Hyderabad and 4 others. … **Respondents**

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ORDER: (per Hon'ble Smt. Justice T. Meena Kumari)

This writ petition is filed challenging the Order dated 16.2.2005 in O.A.No.808 of 2002 on the file of the A.P. Administrative Tribunal in dismissing the said O.A. and seeking a direction to the respondents to regularize the services of the petitioners in

accordance with G.O.Ms.No.212, dated 22.4.1994.

It is the case of the writ petitioners that on an earlier occasion, in O.A.No.6672 of 1994, the respondents were directed to consider the case of the petitioners in terms of G.O.Ms.No.212, dated 22.4.1994 for regularization of their services. Thereafter, the respondents have not allowed the petitioners to continue their services. Thereupon, the petitioners filed the present O.A.No.808 of 2002 and the Tribunal dismissed the said O.A. on the ground that the petitioners are contract labour and hence, they cannot have any claim against the respondents. Having aggrieved by the same, the petitioners filed the present writ petition.

The learned Counsel for the petitioners contended that the petitioners have been working as N.M.R. Daily wage employees since 1986 and they are entitled for regularization in terms of G.O.Ms.No.212 dated 22.4.1994 and therefore, the order of the Tribunal is liable to be set aside.

Per contra, the learned Government Pleader contends that the petitioners were engaged through contractors and not by the Department and therefore, they do not fall under the category of employees covered under G.O.Ms.No.212, and therefore, the order of the Tribunal needs no interference.

Perused the entire material available on record.

As can be seen from the record, it is apparent that in pursuance of the Orders of the Tribunal in O.A.No.6672 of 1994, the proposals for regularization of the petitioners were submitted to the Engineer-in-Chief and the Government had rejected the same on the ground that the petitioners are contract labour being supplied by the contractors as and when the department desires and therefore, they do not fall under the category of regular employees.

Perusal of the G.O., relied upon by the petitioners goes to show that the services of an employee, who worked continuously for a minimum period of five years as on 25.11.1993, as NMR/Daily wage, shall be regularized. In the instant

case, as is apparent from the affidavit filed in support of the writ petition, the petitioners are being employed for a period of 365 days by the respondent-organization. It would clearly indicate that the petitioners never completed five years of years and their services are being terminated when the entrusted work was completed. In that view of the matter, the regularization of the services of the petitioners under the G.O. in question does not arise. Therefore, this petition is liable to be dismissed.

In the result, the Writ Petition is dismissed. No order as to costs.

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T. MEENA KUMARI, J

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P. LAKSHMANA REDDY, J

Dated:02.09.2005.

Gurc/Dvs.